

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

FILED IN OPEN COURT
10/16/2013
Julie A. Richards, Clerk
US District Court
Eastern District of NC

CASE NO. 4:13-mj-1077

UNITED STATES OF AMERICA)

v.)

Kevin Eberhardt)

DEFENDANT'S
MOTION TO CONTINUE
(18 USC § 3161(h)(8))

Pursuant to 18 USC § 3161(h)(7) and to Local Rule 4.11, the Defendant respectfully requests that the above-captioned case be continued from the present docket. In support of this motion, the Defendant sets forth the following:

1. Defendant requires additional time to discuss case with counsel
2. This is the 1st continuance filed by the Defendant in the present case. The Special Assistant United States Attorney does / does not object to this motion.
3. I understand that if this motion is granted, I must next appear in court at 9:00 a.m. on the December 11, 2013 Court docket, and that failure to appear may result in the issuance of an arrest warrant.

Submitted on: October 16, 2013


Defendant or Attorney for Defendant

The Court finds that the ends of justice served by the granting of such a continuance outweigh the best interest of the public in a speedy trial for the following reasons:

- ☐ Failure to do so would likely result in a **miscarriage of justice**.
- ☐ The **usual nature or complexity of the case** makes it unreasonable to expect the Defendant to adequately prepare for pretrial proceedings or trial with the time limits set forth in 18 USC 3161.
- ☒ Failure to do so would deny the Defendant reasonable **time to obtain counsel**;
- ☐ Failure to do so would unreasonably deny the Defendant **continuity of counsel**;
- ☒ Failure to do so would deny the Defendant the reasonable **time necessary for effective preparation**, taking into account the exercise of due diligence.

Accordingly the continuance is ALLOWED. The intervening time from 10/16/13 to 12/11/13 Is excluded from speedy trial computation under 18 USC 3161.

10/16/2013
Date


United States Magistrate Judge